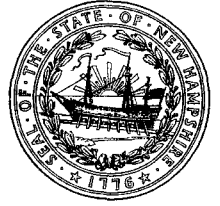




The State of New Hampshire  
**Department of Environmental Services**



Michael P. Nolin  
Commissioner  
June 24, 2005

**CERTIFIED MAIL**  
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**RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY**  
**No. WMD 05-016**

Vutek, Inc.  
1 Vutek Place  
Meredith, New Hampshire 03523

Attn: Mr. Ronnie Chase, Facilities Manager

**Re: Vutek, Inc., d/b/a Inkware, LLC**  
**189 Waukegan Street**  
**EPA ID # NHD500019484**

Dear Mr. Chase:

On April 25, 2005, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Vutek, Inc., d/b/a Inkware, LLC ("Inkware"). The purpose of the inspection was to determine Inkware's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

1. Env-Wm 502.01 - Hazardous Waste Determination

At the time of the inspection, no formal waste determinations had been conducted on the "Gold Cyanide," "Trichloroethylene," "Ink Solvent Mix" (acetone/cyclohexanone), and the "Waste Rags."

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that Inkware conduct hazardous waste determinations for the following:

- A. "Gold Cyanide" and "Trichloroethylene" stored next to Main Hazardous Waste Storage Area: At the time of the inspection, one (1) pint container of unused "Gold Cyanide" and one (1) quart container of unused "Trichloroethylene" were being stored next to the Main Hazardous Waste Storage Area, and it was stated by

Inkware personnel that these materials were no longer being used at the facility. DES requests that Inkware perform hazardous waste determinations for the "Gold Cyanide" and "Trichloroethylene." These determinations should be made using analytical testing. This testing should include, at a minimum, Toxicity Characteristic Leaching Procedure for RCRA metals and organics under Env-Wm 403.06. Inkware will need to provide the results of the hazardous waste determinations, along with any other supporting data, such as chemical analyses, to DES. For your convenience, enclosed is a list of laboratories that perform hazardous waste analysis.

Alternatively, Inkware may declare any of the above-mentioned wastes to be hazardous based on knowledge of the wastes, and forego the expense of the testing. In the event wastes are determined to be hazardous, Inkware must manage the wastes in accordance with the State of New Hampshire Hazardous Waste Rules. This includes proper storage of marked, closed, containers on impervious surfaces, assigning appropriate hazardous waste number(s) to the waste, as well as delivery of waste for disposal to a facility authorized to handle the hazardous waste.

- B. "Ink Solvent Mix" (acetone, cyclohexanone): The "Ink Solvent Mix" is currently being disposed of as an ignitable (D001) and listed (F003) hazardous waste. Analytical results (dated January 30, 2004), provided to DES during the inspection, indicated that in addition to exhibiting the D001 characteristic of ignitability and the F003 listing for acetone, the "Ink Solvent Mix" exhibits the hazardous waste characteristic of toxicity due to the concentration of lead (D008) greater than 5.0 mg/L. DES requests that Inkware perform an adequate hazardous waste determination for its "Ink Solvent Mix" wastestream. This includes documenting appropriate EPA and/or state waste codes for hazardous waste disposal shipments.
- C. "Waste Rags": DES requests that Inkware determine whether the waste rags are a hazardous waste by either applying knowledge of the hazardous properties of the waste rags or by testing a representative sample of the waste rags. The analyses should include, at a minimum, the Toxicity Characteristic Leaching Procedure (TCLP) for organics using the method described in Env-Wm 403.06.

Please be advised that materials that are mixed with a listed hazardous waste are also regulated as hazardous wastes, as specified in Env-Wm 404.01(a)(1). Therefore, if a rag is used in conjunction with an F-listed solvent (e.g., acetone), the waste rag is a hazardous waste.

Inkware will need to provide to DES the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses.

Alternatively, Inkware may be able to manage the waste rags as "contaminated cloth wipers for laundering." DES defines "contaminated wipers" as rags, shop towels, and wipers which have been used, contaminated with minor amounts of hazardous waste constituents such as solvents or oils, and are intended to be laundered before reuse. Please reference the enclosed DES Environmental Fact Sheet # WMD-HW-6, "Contaminated Cloth Wipers for Laundering," to determine if this DES policy is applicable to your situation.

*In an e-mail dated May 2, 2005, Mr. Ronnie Chase, Facilities Manager, provided information that the two chemicals ("Gold Cyanide" and "Trichloroethylene") had not exceeded their shelf life and have been moved to the Vutek Facility located at 1 Vutek Place, Meredith, NH, for PC Board touch-up. No further action required for item A.*

2. Env Wm 507.01(a)(3) and Env-Wm 509.03(d) – Storage Requirements

At the time of the inspection the following satellite containers were not closed.

- A. Four (4) 5-gallon containers of "Ink Solvent Mix" located in the four (4) Mixing Rooms;
- B. One (1) 1-gallon container of "Ink Solvent Mix" located in the QC Room;
- C. One (1) 5-gallon container of "Ink Solvent Mix" located in the UV Recovery Area;
- D. One (1) 5-gallon container of "Ink Solvent Mix" located in the R. Jet Recovery Area;
- E. One (1) 1-gallon container of "Ink Solvent Mix" located in the UV Ink Area;
- F. One (1) 5-gallon container of "Ink Solvent Mix" located in the Acrylate Chemistry Area;
- G. One (1) 55-gallon container of "Ink Solvent Mix" located outside the Mixing Room; and
- H. Two (2) 5-gallon containers of "Ink Solvent Mix" located in the Wet Room.

Env-Wm 507.01(a)(3), which is referenced by Env-Wm 509.03(d), requires generators to ensure that containers storing hazardous waste be closed at all times, except when waste is being added to or removed from the containers.

DES requests Inkware to ensure that containers storing hazardous waste are closed at all times, except when adding or removing waste from the containers.

*At the time of the inspection Inkware personnel closed the one (1) 55- gallon satellite container located outside of the Mixing Room and the one (1) 5-gallon container located in Acrylate Chemistry Area.*

3. Env-Wm 509.02(a)(1) - Inspection Requirements

At the time of the inspection, Inkware had not conducted or documented inspections of the hazardous waste storage area. Inkware had not documented 71 of the required 119 inspections from the time period of January 1, 2003 through April 22, 2005. In addition, a review of Inkware's Hazardous Waste Inspection Checklist revealed the time of the inspection was not documented.

Env-Wm 509.02(a)(1), which references 40 CFR 265.15, General Inspection Requirements, requires full quantity generators to conduct and document inspections of the facility, including hazardous waste storage area(s). The inspections are required to be recorded in a log which includes the area being inspected, the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of the repairs or other remedial actions taken.

DES requests that Inkware ensure that weekly inspections of its hazardous waste storage area are conducted and documented. In addition DES requests that Inkware amend the existing Hazardous Waste Inspection Checklist to include the time of the inspection. Submit an updated Hazardous Waste Inspection Checklist to DES.

*On May 6, 2005, Mr. Chase submitted inspection reports for the Main Storage Area for the months of July 2004 and August 2004. Inkware had not documented 63 of the required 119 inspection from the time period of January 1, 2003 through April 22, 2005. (i.e., Inkware was conducting and documenting inspections from January 2004 through January 2005).*

4. Env-Wm 509.02(a)(2) – Personnel Training

A review of Inkware's personnel training program revealed the following deficiencies:

- A. Facilities Manager Ronnie Chase did not receive hazardous waste training in the year 2003; Emergency Coordinator Stephen Mills did not receive annual hazardous waste training in the year 2004; Alternate Emergency Coordinator James Lyons did not receive hazardous waste training in the years 2003 and 2004.
- B. Inkware's facility training records failed to document a training program which includes a list of hazardous waste job titles, job descriptions, descriptions of introductory and continuing training to be provided for each position, and names of employees filling each position.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that initial training and annual reviews are conducted for emergency coordinators. Env-Wm 509.02(a)(2) also requires full quantity generators to maintain at the facility, specific documents and records related to personnel training.

DES requests that Inkware conduct and document hazardous waste training and annual updates for the Emergency Coordinators and employees responsible for hazardous waste management. DES also requests that Inkware maintain, as part of the personnel training program, documents of hazardous waste job titles, job descriptions, and names of employees filling each position and correct any deficiencies as identified in the enclosed Full Quantity Generator Module. Lastly, DES requests that Inkware submit a copy of this personnel training program to DES.

*In the May 26, 2005 submittal, Mr. Chase submitted documentation that he had hazardous waste training in 2003 and that James Lyons had hazardous material transportation training in 2004.*

5. Env-Wm 509.02(a)(4) – Preparedness and Prevention (FQGs)

At the time of the inspection, the Main Hazardous Waste Storage Area failed to have an internal/external communication system capable of providing immediate contact with facility personnel and local authorities (e.g., fire department).

Env-Wm 509.02(a)(4), which references 40 CFR 265 Subpart C, Preparedness and Prevention, requires generators to have an internal communication system capable of providing immediate contact with facility personnel, and a device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams. All required hazardous waste storage area equipment must be installed or available within 100 feet of the storage area.

DES requests that Inkware maintain at the Main Hazardous Waste Storage Area a communication system capable of providing immediate communication with facility personnel and local authorities.

*In the May 6, 2005 submittal, Mr. Chase provided documentation substantiating that a telephone, capable of internal and external communication was installed within 100 feet of the Main Hazardous Waste Storage Area. No further action is required.*

6. Env-Wm 509.02(a)(5) – Contingency Plan

At the time of the inspection, Inkware's contingency plan was confirmed to be incomplete. Specific deficiencies are listed in the attached Contingency Plan Module.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requests that Inkware revise and update its contingency plan to correct any deficiencies as identified in the enclosed Contingency Plan Module and submit a copy of the updated Contingency Plan to DES. In addition, please provide documentation that Inkware has made arrangements with the local authorities and has submitted a copy of the contingency plan to them.

7. Env-Wm 509.02(b) – Emergency Posting.

At the time of the inspection, the emergency posting at the nearest telephone to the hazardous waste storage area was present but incomplete.

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area (deficiencies are noted in italics):

- (a) The emergency coordinators (home and office);
- (b) The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and
- (c) *The location of fire extinguishers and spill control material, and, if present, fire and internal emergency alarms.*

DES requests that Inkware post the required information at the nearest telephone to the hazardous waste storage area. Enclosed is a sample emergency posting for your reference.

8. Env-Wm 509.03(b) – Satellite Storage Training

A review of Inkware's personnel training program revealed that four (4) employees responsible for managing the facility's hazardous waste satellite containers had not received initial hazardous waste training.

Env-Wm 509.03(b), which references Env-Wm 509.02(a)(2) and 40 CFR 265.16, Personnel Training, requires full quantity generators to ensure that employees responsible for the management of hazardous waste satellite containers receive hazardous waste

training. The hazardous waste training interval shall be every 3-years after the date of initial training.

DES requests that Inkware conduct and document hazardous waste training, and 3-year reviews, for all employees responsible for the management of hazardous waste satellite containers.

9. Env-Wm 509.03(g) – Satellite Storage Container Marking

At the time of the inspection, the following satellite storage containers of hazardous waste were not marked with the words “hazardous waste” and words that identify the contents of the container.

- A. Four (4) 5-gallon containers of “Ink Solvent Mix” located in the four (4) Mixing Rooms;
- B. One (1) 5-gallon container of “Ink Solvent Mix” and one (1) 1-gallon container “Ink Solvent Mix” located in the QC room;
- C. One (1) 5-gallon container of “Ink Solvent Mix” located in the UV Recovery Area;
- D. Two (2) 5-gallon containers of “Ink Solvent Mix” located in the R. Jet Recovery Area;
- E. One (1) 5-gallon container of “Ink Solvent Mix” located in the Printer Test Area;
- F. One (1) 5-gallon container of “Ink Solvent Mix” located in the Acrylate Chemistry Area;
- G. One (1) 1-gallon container of “Ink Solvent Mix” located in the UV Ink Area; and
- H. One (1) 5-gallon container of “Ink Solvent Mix” located in the R & D Label Area.

Env-Wm 509.03(g) requires all satellite storage containers used for the storage of hazardous waste be marked with the following information at the time they are first used to store wastes: the words “hazardous waste” and words that identify the contents of the container.

DES requests that Inkware properly mark all hazardous waste satellite storage containers

at the time they are first used to store waste with: the words "hazardous waste" and words that identify the contents of the container.

10. Env-Wm 1102.03(a)(4) and Env-Wm 1112.04 - Universal Waste Management

At the time of the inspection, one (1) container of universal waste lamps was not marked with the words, "Universal Waste – Lamps," "Waste Lamp(s)," or "Used Lamp(s)."

Env-Wm 1102.03(a)(4) which references Env-Wm 1112.04 requires universal waste handlers to ensure all container(s) holding universal waste lamps to be clearly labeled or marked with any of the following: "Universal Waste – Lamps," "Waste Lamp(s)," or "Used Lamp(s)."

DES requests that Inkware clearly label or mark container(s) holding universal waste lamps with any of the following: "Universal Waste – Lamps," "Waste Lamp(s)," or "Used Lamp(s)."

DES believes the remaining deficiencies can be corrected and a report describing the corrective measures taken by Inkware can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Inkware, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Linda Birmingham, Waste Management Specialist IV  
DES/WMD  
P.O. Box 95  
Concord, New Hampshire 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.



The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff are available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942 or toll free at (1-866) HAZ-WAST (in-state only).

Should you have any questions regarding this letter, please contact the lead inspector, Linda Birmingham or Tod G. Leedberg, RCRA Compliance Supervisor at 271-2942. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Duclos", followed by the word "for" in a cursive script.

John J. Duclos, Administrator  
Hazardous Waste Compliance Bureau  
Waste Management Division

cc: DB/RCRA/NOPV/Archives  
Anthony P. Giunta, P.G., Director, Waste Management Division  
Gretchen R. Hamel Esq., Administrator, DES Legal Unit  
Paul L. Heirtzler, P.E., Esq., Administrator, Waste Management Programs, WMD

E-mail: JJD/SD/MM/PM

Enclosure: Inspection Modules  
Sample Emergency Posting